

In re Appln. of Gridley et al.
Application No. 09/491,661

REMARKS

Applicants have carefully reviewed and considered the Office Action dated February 26, 2003, and the references cited therein. In response, applicants have amended claims 14, 19, 20, 22, and 24-29; canceled, without prejudice, claim 31; and added new claim 34 to further define the invention. No new matter has been added by these amendments. Applicants believe that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

Claims 14-20 and 22-33 stand rejected under 35 U.S.C. § 1112, ¶ 2 as being indefinite with respect to the phrases "tire drive" and "tread drive." Claims 14-20 and 22-33 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,096,008 to Taylor in view of various secondary references.

The Section 112 Rejections

In response to the Section 112 rejections, applicants have made non-narrowing amendments to claims 14 and 24-26. In particular, claim 14 has been amended by deleting reference to "a tire drive." Thus, any rejection based on inconsistent terminology is rendered moot. It is respectfully submitted that the specification supports the phrase "tread drive." The specification states, "When an approximate desired length has been reached, based on aforementioned circumferential measure, drive 66 stops deploying tread 68 and clamp 72 stops propelling tread end 76." Page 12, lines 15-17. Claims 24-26 have been amended to clarify that the tread drive includes a plurality of drive rollers which are explicitly discussed in the specification. See, e.g., page 12, lines 7-17. Thus, it is respectfully submitted that the phrase "tread drive" is sufficiently definite to overcome the Section 112 rejection.

The Section 103 Rejections

In response to the Section 103 rejections, applicants have amended claims 14 and 22. New claim 34 was added to further define the invention. In addition, non-narrowing amendments were made to claims 19, 20, and 27-29. Applicants respectfully submit that the rejections should not be applied to the pending claims as amended.

Amended claim 14 recites, *inter alia*, automatically dispensing along an elongated track a length of tire tread via the tread dispenser based on the measured circumference of the tire casing and cushion gum. The length of tire tread is adjusted relative to a tread cutter so that the tire tread design at the point where the tread may be cut matches the tread design at the first end. The entire section of tire tread is placed on the track and is conveyed along the

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track by propelling the first end thereof. The section of tread is conveyed to the casing without subjecting it to any substantial bending.

The primary reference cited in the Office Action, Taylor, does not disclose the above-mentioned features. The Office Action acknowledges that Taylor is silent with respect to an adjusting step prior to the cutting of the length of tread. It is respectfully submitted that the secondary references applied by the Office Action fail to overcome the deficiencies in Taylor. Schelkmann is silent as to what steps one would take to obtain a matched tread strip. *See, e.g.*, column 5, lines 17-29. The statement in applicants' specification is nothing more than a recognition that a matched tread design is desirable. Nothing is pointed to in the art that teaches or suggests automatically dispensing along an elongated track a length of tire tread and adjusting the tire tread relative to a tread cutter so that the tread design at the point where the tread may be cut matches the tread design at the first end.

Furthermore, Taylor does not teach or suggest placing the entire cut section of tire tread on the track. In fact, in Figure 1 of Taylor, the leading edge of the tread 4 is shown partially applied to the tire carcass 7 before the trailing edge has been cut by the cutting device 16. None of the other embodiments of Taylor show the claimed step. In addition, Taylor does not teach or suggest conveying the section of tread along the track to the tire casing by propelling the first end of the tire tread. Nothing is pointed to in the art to overcome these shortcomings of Taylor.

Also, it is respectfully submitted that the Taylor method does not convey the tire tread to the casing without subjecting the section of tire tread to any substantial bending. In Figure 1 of Taylor, the tread 4 undergoes approximately a 90° bend after it passes through the pressure roll 9. Other embodiments in Taylor show a similar arrangement. Taylor is completely silent with respect to the path the tread takes on its way to the carcass and fails to appreciate this consideration.

With respect to amended claim 22, Taylor fails to teach or suggest, *inter alia*, a tread dispenser that automatically dispenses a length of tire tread based on the circumference of the tire casing plus the cushion gum as measured by a measuring device; a first clamp for clamping the length of tire tread adjacent the first end where the first clamp is driven to propel the first end of the length of tire tread; an elongated track defining a path of travel for the length of tread that is without abrupt changes therein; a tread drive adjustable such that the tire tread is movable relative to a tread cutter at the point where the tire tread may be cut to define a second end of the tire tread to define the section of tread between the first and second ends such that the ends of the tire tread come together after the tread has been applied to the tire casing and the tread pattern at the second end substantially matches the tread

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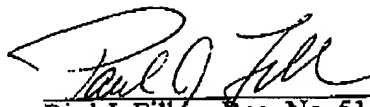
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design at the first end; and a track elongated such that it can receive the entire section of tread. The secondary references applied fail to yield sufficient teachings or suggestions to modify Taylor to overcome these deficiencies.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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